

DAVID CHIU, State Bar # 189542
City Attorney
YVONNE R. MERÉ, State Bar #173594
Chief Deputy City Attorney
WAYNE SNODGRASS, State Bar #148137
TARA M. STEELEY, State Bar # 231775
JOHN H. GEORGE, State Bar # 292332
KAITLYN MURPHY, State Bar #293309
Deputy City Attorneys
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Telephone: (415) 554-4675 [Snodgrass]
(415) 554-4655 [Steeley]
(415) 554-4223 [George]
(415) 554-6762 [Murphy]
Facsimile: (415) 554-4699
E-Mail: wayne.snodgrass@sfcityatty.org
tara.steeley@sfcityatty.org
john.george@sfcityatty.org
kaitlyn.murphy@sfcityatty.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

HASTINGS COLLEGE OF THE LAW, a
public trust and institution of higher education
duly organized under the laws and the
Constitution of the State of California;
FALLON VICTORIA, an individual; RENE
DENIS, an individual; TENDERLOIN
MERCHANTS AND PROPERTY
ASSOCIATION, a business association;
RANDY HUGHES, an individual; and
KRISTEN VILLALOBOS, an individual,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, a municipal entity,

Defendant.

Case No. 4:20-cv-3033-JST

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANT CITY AND
COUNTY OF SAN FRANCISCO'S
OPPOSITION TO PLAINTIFFS' MOTION TO
ENFORCE STIPULATED INJUNCTION**

Hearing Date: May 23, 2024
Time: 2:00 p.m.
Place: Hon. Jon S. Tigar
Oakland Courthouse
Courtroom 6 – 2nd Floor
1301 Clay Street
Oakland, CA 94612

Trial Date: Not Set

Attachments: Exhibits A-C

1 Defendant City and County of San Francisco requests the Court take judicial notice of
 2 the following three documents submitted in support of its Opposition to Plaintiffs' Motion to
 3 Enforce the Stipulated Injunction. Judicial notice of each is appropriate pursuant to Rule 201 of
 4 the Federal Rules of Evidence.

5 1. Attached as **Exhibit A** is a true and correct copy of Mayor London Breed's
 6 Termination Of Proclamation Of Local Emergency.

7 2. Attached as **Exhibit B** is a true and correct copy of a San Francisco Police Department
 8 Bulletin issued on October 18, 2023 titled "23-166 Enforcement of Laws and Ordinances for
 9 Individuals Experiencing Homelessness Sitting, Lying, or Sleeping on Public Property (Supersedes
 10 DN 23-007)."

11 3. Attached as **Exhibit C** is a true and correct excerpt of a spreadsheet of San Francisco
 12 Police Department Incident Report data for the time period January 1, 2022 through April 9, 2024,
 13 reflecting all entries with the incident description "lodging without permission," and including the
 14 following five columns: "Incident Datetime," "Incident ID," "Incident Description," "Resolution" and
 15 "Intersection." All other columns have been omitted.

16 **Exhibit A** is judicially noticeable because public records such as COVID-19 proclamations are
 17 generally known in the jurisdiction and are therefore proper subjects of judicial notice. Fed. R. Evid.
 18 201(a); *Tandon v. Newsom*, 517 F. Supp. 3d 922, 944 (N.D. Cal. 2021) (taking judicial notice of
 19 "order issued by the State of California, lifting the Regional Stay at Home Order"). In addition,
 20 Exhibit A is a matter of public record and can be found on the San Francisco Board of Supervisor's
 21 website, at https://sfbos.org/sites/default/files/Final_COVIDEmergency_Termination_05032023.pdf.

22 **Exhibit B** is judicially noticeable because the Court may take judicial notice of "a fact that is
 23 not subject to reasonable dispute because it can be accurately and readily determined from sources
 24 whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). The San Francisco Police
 25 Department's policy update satisfies that requirement. *Foster v. City of Oakland*, 621 F. Supp. 2d 779,
 26 795 (N.D. Cal. 2008) (taking judicial notice of two police department policies). In addition, Exhibit B
 27 is a matter of public record and can be found on the San Francisco Police Department's website, at
 28 https://www.sanfranciscopolice.org/sites/default/files/2023-12/SFPDDN_23_166_20231213.pdf.

1 **Exhibit C** is judicially noticeable because the Court may take judicial notice of “a fact that is
 2 not subject to reasonable dispute because it can be accurately and readily determined from sources
 3 whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Exhibit C satisfies that
 4 requirement. *United States v. Torres-Hernandez*, 447 F.3d 699, 704 (9th Cir. 2006) (taking judicial of
 5 “the government’s statistical evidence” from census records). In addition, Exhibit C is a matter of
 6 public record and can be found on the San Francisco City Administrator’s website, at
 7 <https://bit.ly/3JqedTe>.

8
 9 Dated: April 18, 2024

10 DAVID CHIU
 11 City Attorney
 12 YVONNE R. MERÉ
 13 Chief Deputy City Attorney
 14 WAYNE SNODGRASS
 15 TARA M. STEELEY
 16 JOHN H. GEORGE
 17 KAITLYN M. MURPHY
 18 Deputy City Attorneys

19 By: /s/Kaitlyn Murphy
 20 KAITLYN MURPHY

21 Attorneys for Defendant
 22 CITY AND COUNTY OF SAN FRANCISCO